

REMARKS/ARGUMENTS

Prior to the present amendments, Claims 7-11 and 14 were pending in this application, and stood rejected on various grounds. Claims 7 and 10 have been amended, Claim 9 has been canceled. Specific support for the amendment of Claim 7 is at least in paragraph [0118] of the specification as filed. The amendment of claim 10 is of formal nature, necessitated by the cancellation of Claim 9. The amendments do not add new matter. All amendments were made without prejudice or disclaimer. Applicants specifically reserve the right to pursue all deleted subject matter in one or more continuing applications.

Telephone Interview Summary Record

On July 21, 2006, the undersigned attorney received a telephone call from the Examiner indicating that the present application would be allowable provided that the language of claim 7 is amended to refer to “the extracellular domain sequence” as opposed to “an extracellular domain sequence.” The Examiner expressed the concern that the “an extracellular domain sequence” language would read on any length of the extracellular domain and thus would not be enabled. Upon consideration, the undersigned attorney advised the Examiner that the proposed language would be too restrictive and therefore could not be accepted by Applicants. Subsequently, an Advisory Action dated August 2, 2006 was issued, giving essentially the same reason for the maintained rejection of claims 7-11 and 14.

The Rejections

According to the Advisory Action of August 2, 2006, the specification is enabling for “a method reducing the progression of rheumatoid arthritis in [a] mammal comprising administering to said mammal an effective amount of an immunoadhesion comprising the extracellular domain sequence of the polypeptide of SEQ ID NO: 32,” however, “the specification fails to enable an immuno adhesion comprising any extracellular domain sequence [which language] encompasses the polypeptide that comprise[s] the extracellular domain sequence of SEQ ID NO: 32 or any portion of extracellular portion of SEQ ID NO: 32.”

Claim 17 has been amended to recite that the extracellular domain sequence present in the immunoadhesins used in the claimed methods consists of amino acid residues 1 or about 21 to X of SEQ ID NO: 32, where X is any amino acid from 271 to 281 in SEQ ID NO: 32. This amendment, which was done without acquiescing to the rejection, clearly identifies the extracellular domain sequence, in line with the definition provided in paragraph [0118] of the specification. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the present rejection.

The Information Disclosure Statement

According to the Advisory Action of August 2, 2006, the Information Disclosure Statement (IDS) filed on January 31, 2006 was not considered "because it did not comply [with] 37 C.F.R. 1.97(c) rule. No certification as specified in 1.97 is provided."

Applicants respectfully point out that 37 C.F.R. 1.97(c) provides:

"An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; **or**
- (2) The fee set forth in §1.17(p)." (Emphasis added.)


In other words, as an alternative to providing the statement according to 37 C.F.R. §1.97(c)(1), pursuant to 37 C.F.R. §1.97(c)(2) Applicants can elect to pay the fee set forth in 37 C.F.R. §1.17(p). Since the payment of such fee was expressly authorized in the IDS filed on January 31, 2006, the IDS was in full compliance with 37 C.F.R. 1.97(c), and its consideration is respectfully requested.

All claims pending in this application are in prima facie condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (referencing Attorney's Docket No. 39766-0100CP1).

Respectfully submitted,

Dated: August 10, 2006



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